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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

KELSEY CASCADIA ROSE JULIANA;
XIUHTEZCATL TONATIUH M., through his
Guardian Tamara Roske-Martinez; et al.,

Plaintiffs,

v.

The UNITED STATES OF AMERICA;
DONALD TRUMP, in his official capacity as
President of the United States; et al.,

Defendants.

Case No.: 6:15-cv-01517-TC

**DECLARATION OF PHILIP L.
GREGORY in Support of Plaintiffs'
Consent Motion to Enlarge Page Limit for
Plaintiffs' Response in Opposition to
Defendants' Motion for Summary
Judgment**

Expedited Review Requested

**DECLARATION OF PHILIP L. GREGORY IN SUPPORT OF PLAINTIFFS' CONSENT
MOTION TO ENLARGE PAGE LIMIT**

I, Philip L. Gregory, hereby declare and if called upon would testify as follows:

1. I am one of the attorneys of record for Plaintiffs in the above-entitled action. I have personal knowledge of the statements made herein.

2. On May 22, 2018, Defendants moved for Summary Judgment. (ECF No. 207.)

Defendants' 30-page Motion for Summary Judgment raises significant, complicated factual and legal issues regarding standing, Plaintiffs' alleged failure to identify a viable right of action, and limitations on this Court's Article III authority. Defendants also seek summary judgment as to whether there is a judicially enforceable right to a climate system capable of sustaining human life under the Due Process Clause and the existence of a federal public trust doctrine. Each of these issues requires a thorough, detailed presentation of extensive evidence and legal argument.

3. In preparing their Response in Opposition to Defendants' Motion for Summary Judgment, Plaintiffs have worked diligently to limit the number of pages in their memorandum, while still providing the Court with a thorough statement of facts as well as a complete legal argument addressing each of the issues raised on which summary judgment is sought. Plaintiffs' response will be filed on June 28, 2018.

4. Local Rule 7-2(b)(1) provides: "Without prior Court approval, memoranda (including objections to a Findings and Recommendations of a Magistrate Judge and responses to such objections) may not exceed 11,000 words, or in the alternative, 35 pages. If the document exceeds the page limit, then the party must certify compliance with the word-count limit. This limitation includes headings, footnotes, and quotations, but excludes the caption, table of contents, table of cases and authorities, signature block, exhibits, and any certificates of counsel."

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5. In drafting their response, Plaintiffs believe they will need to exceed the page limit set by Local Rule 7-2(b)(1) and request that this Court permit Plaintiffs to file a memorandum of up to 55 pages in length.
6. On June 26, I contacted counsel for Defendants requesting to extend the page limit of 55 pages for Plaintiffs' memorandum in Opposition to Defendants' Motion for Summary Judgment, with no word limitation. On June 27, Sean Duffy, counsel for Defendants, kindly consented to extending the page limit to 55 pages with no word limitation, on condition that Plaintiffs would not oppose the same extension of 55 pages with no word limitation in Defendants' Reply. Plaintiffs agreed to this condition.
7. Neither party has been guilty of negligence or bad faith.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

DATED this 27th day of June, 2018 at Redwood City, California.

Respectfully submitted,

/s/ Philip L. Gregory

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